



## Senate

General Assembly

**File No. 59**

January Session, 2013

Substitute Senate Bill No. 434

*Senate, March 20, 2013*

The Committee on Government Administration and Elections reported through SEN. MUSTO of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES AND E-GOVERNMENT, EXTENSIONS OF EXISTING CONTRACTS, A STATE AMERICANS WITH DISABILITIES ACT COORDINATOR ADVISORY COMMITTEE AND SETTLEMENTS BY THE CLAIMS COMMISSIONER.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4-60u of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Notwithstanding any other provision of the general statutes, the  
4 Secretary of the Office of Policy and Management may authorize any  
5 state agency to enter into agreements with private and nonprofit  
6 entities to facilitate the public's utilization of government services and  
7 programs electronically. Any agency seeking authorization to enter  
8 into such an agreement shall select entities to participate in such  
9 agreements on the basis of competitive bidding or competitive  
10 negotiation prior to seeking such authorization. Each such agency shall  
11 provide notice of such solicitation for competitive bids or request for

12 proposals in a form and manner that the secretary determines will  
13 maximize public participation in the competitive bidding or  
14 competitive negotiation process. Under such agreements, the state may  
15 allow entities to collect any applicable statutory or regulatory fees  
16 owed to the state and to remit such amounts as defined in statute. The  
17 agreement also may allow an entity to charge an administrative fee,  
18 [which shall be deposited into the General Fund,] provided any  
19 administrative fee to utilize a government service or program  
20 electronically is approved by the Finance Advisory Committee before  
21 it is imposed.

22 (b) Any such agreement authorized under this section shall comply  
23 with the provisions of chapter 14 and shall ensure the public retains  
24 the ability to access government services and programs using  
25 nonelectronic means. The secretary shall not authorize any agreement  
26 that adversely affects the ability of individuals to apply for or receive  
27 assistance or benefits from the Department of Social Services.

28 Sec. 2. Section 4a-59a of the general statutes is repealed and the  
29 following is substituted in lieu thereof (*Effective July 1, 2013*):

30 (a) No state agency may extend a contract for the purchase of  
31 supplies, materials, equipment or contractual services which expires  
32 on or after October 1, 1990, and is subject to the competitive bidding  
33 requirements of subsection (a) of section 4a-57, without complying  
34 with such requirements, unless [(1)] the Commissioner of  
35 Administrative Services makes a written determination, supported by  
36 documentation, that [(A)] (1) soliciting competitive bids for such  
37 purchase would cause a hardship for the state, [(B)] (2) such  
38 solicitation would result in a major increase in the cost of such  
39 supplies, materials, equipment or contractual services, or [(C)] (3) the  
40 contractor is the sole source for such supplies, materials, equipment or  
41 contractual services. [ (2) ] Except in the case where the contractor is  
42 the sole source as set forth in subdivision (3) of this subsection, the  
43 commissioner [solicits] shall solicit at least three competitive  
44 quotations in addition to the contractor's quotation, and [(3) the

45 commissioner makes] shall make a written determination that no such  
46 competitive quotation which complies with the existing specifications  
47 for the contract is lower than or equal to the contractor's quotation.  
48 Any such contract extension shall be based on the contractor's  
49 quotation. No contract may be extended more than two times under  
50 this section.

51 (b) Notwithstanding the provisions of subsection (a) of this section,  
52 the Commissioner of Administrative Services may, for a period of up  
53 to one year from the date such contract would otherwise expire, (1)  
54 extend any contract in effect on May 1, 2005, with a value of fifty  
55 thousand dollars or more per year, to perform any of the following  
56 services for the state: Janitorial, building maintenance, security and  
57 food and beverage, [ . Any] provided any such extension shall include  
58 any applicable increase in the standard wage and the payroll burden to  
59 administer the standard wage, as established by the Labor  
60 Department, or (2) extend an existing contract if the commissioner  
61 certifies in writing that failure to provide such extension would  
62 compromise the continuity of state agency systems or operations.

63 Sec. 3. Section 4-61u of the general statutes is repealed and the  
64 following is substituted in lieu thereof (*Effective July 1, 2013*):

65 (a) Under the supervision of the Commissioner of Administrative  
66 Services, all departments and agencies of state government shall  
67 establish an effective program of career mobility as part of their  
68 affirmative action program, as required by section 46a-68, for  
69 occupational groups, which shall include, but not be limited to,  
70 secretarial, clerical, supervisory clerical, semiskilled, crafts and trades,  
71 supervisory crafts and trades, custodial, supervisory custodial and  
72 laborers. All departments and agencies of state government shall  
73 provide, or make provision for, career counseling for such  
74 occupational groups. All departments and agencies shall make  
75 available to state employees a range of training opportunities. In  
76 geographically remote areas [, as defined by the Committee on Career  
77 Entry and Mobility,] where programs are not generally available,

78 departments and agencies shall enter into cooperative arrangements or  
79 take other appropriate actions to assure that training opportunities are  
80 provided to employees in those areas. All departments and agencies  
81 shall, consistent with the requirements of the State Personnel Act,  
82 initiate classification requests that would result in the development of  
83 career ladders and lattices providing career mobility within and  
84 between occupational groupings, and from subprofessional jobs to  
85 professional and managerial jobs. All departments and agencies of  
86 state government shall establish as part of their affirmative action  
87 plans, specific annual goals and timetables on the number of classes in  
88 entry level professional, managerial and administrative positions,  
89 which shall include, but are not limited to, law enforcement, field  
90 representation, administrative staff, professional, subprofessional or  
91 technical jobs that are to be filled through career mobility.

92 (b) Under the supervision of the Commissioner of Administrative  
93 Services, each department and agency of state government shall  
94 establish an effective program of accommodation and entry level  
95 training of persons with disabilities. Such programs shall be part of  
96 department and agency affirmative action programs required by  
97 section 46a-68. All departments and agencies shall make a range of  
98 training opportunities available to such persons. In geographically  
99 remote areas [, as defined by the Committee on Career Entry and  
100 Mobility,] where programs are not generally available, departments  
101 and agencies shall enter into cooperative arrangements or take other  
102 appropriate actions to assure that training opportunities are provided  
103 to such persons in those areas. All departments and agencies of state  
104 government shall establish, as part of their affirmative action plans,  
105 specific annual goals and timetables on (1) the number of jobs that are  
106 to be filled through the accommodation of persons with disabilities  
107 and (2) entry level training for such persons.

108 Sec. 4. Section 4-61w of the general statutes is repealed and the  
109 following is substituted in lieu thereof (*Effective July 1, 2013*):

110 In implementing the provisions of [sections 4-61t and] section 4-61u,

111 as amended by this act, and this section, each department or agency  
112 shall insure that the ethnic and sex composition of employees  
113 participating in the career mobility program shall be consistent with  
114 the regulations for affirmative action of the Commission on Human  
115 Rights and Opportunities.

116 Sec. 5. Section 4-61aa of the general statutes is repealed and the  
117 following is substituted in lieu thereof (*Effective July 1, 2013*):

118 (a) For purposes of this section, "state Americans with Disabilities  
119 Act coordinator" means the person appointed by the Governor to  
120 coordinate state compliance with the federal Americans with  
121 Disabilities Act of 1990. There is established a committee to [encourage  
122 the employment by the state of persons with disabilities] advise the  
123 state Americans with Disabilities Act coordinator. The [Commissioner  
124 of Administrative Services] state Americans with Disabilities Act  
125 coordinator shall appoint the members of the committee, which shall  
126 be chaired by [such commissioner] said coordinator, or his designee,  
127 and include at least one representative of each of the following:

128 (1) The Board of Education and Services to the Blind;

129 (2) The Commission on the Deaf and Hearing Impaired;

130 (3) The Department of Rehabilitation Services; [.]

131 (4) The Office of Protection and Advocacy for Persons with  
132 Disabilities;

133 (5) The Department of Mental Health and Addiction Services;

134 (6) The Department of Developmental Services; [and]

135 (7) The Labor Department;

136 (8) The Department of Construction Services; and

137 (9) The Commission on Human Rights and Opportunities.

138 [(b) The committee shall:

139 (1) Advise, and develop written guidelines for, the Commissioner of  
140 Administrative Services and the executive heads of other state agencies  
141 regarding the adaptation of employment examinations and alternative  
142 hiring processes for, and the reasonable accommodation of, persons  
143 with disabilities; and

144 (2) Review the program established under subsection (b) of section  
145 4-61u and compliance with the provisions of section 46a-70 concerning  
146 persons with physical disabilities.]

147 (b) The committee shall, upon request of the state Americans with  
148 Disabilities Act coordinator, advise said coordinator regarding the  
149 employment by the state of individuals with disabilities and on  
150 measures the state may take to fulfill its other obligations under the  
151 Americans with Disabilities Act, including, but not limited to, the  
152 state's obligations as a provider of public services and a place of  
153 accommodation.

154 Sec. 6. Section 4-158 of the general statutes is repealed and the  
155 following is substituted in lieu thereof (*Effective July 1, 2013*):

156 (a) The Claims Commissioner may (1) order that a claim be denied  
157 or dismissed, (2) order immediate payment of a just claim in an  
158 amount not exceeding [seven thousand five hundred] twenty  
159 thousand dollars, (3) recommend to the General Assembly payment of  
160 a just claim in an amount exceeding [seven thousand five hundred]  
161 twenty thousand dollars, or (4) authorize a claimant to sue the state, as  
162 provided in section 4-160.

163 (b) Any person who has filed a claim for more than [seven thousand  
164 five hundred] twenty thousand dollars may request the General  
165 Assembly to review a decision of the Claims Commissioner (1)  
166 ordering the denial or dismissal of the claim pursuant to subdivision  
167 (1) of subsection (a) of this section, including denying or dismissing a  
168 claim that requests permission to sue the state, or (2) ordering

169 immediate payment of a just claim in an amount not exceeding [seven  
170 thousand five hundred] twenty thousand dollars pursuant to  
171 subdivision (2) of subsection (a) of this section. A request for review  
172 shall be in writing and filed with the Office of the Claims  
173 Commissioner not later than twenty days after the date the person  
174 requesting such review receives a copy of the decision. The filing of a  
175 request for review shall automatically stay the decision of the Claims  
176 Commissioner.

177 (c) The Claims Commissioner shall submit each claim for which a  
178 request for review is filed pursuant to this section to the General  
179 Assembly pursuant to section 4-159, as amended by this act.

180 (d) If the Claims Commissioner orders immediate payment of a just  
181 claim in an amount not exceeding [seven thousand five hundred]  
182 twenty thousand dollars pursuant to subdivision (2) of subsection (a)  
183 of this section and a request for review is not timely filed pursuant to  
184 subsection (b) of this section, the Office of the Claims Commissioner  
185 shall deliver to the Comptroller a certified copy of the Claims  
186 Commissioner's order and the Comptroller shall make payment from  
187 such appropriation as the General Assembly may have made for the  
188 payment of claims or, in the case of contractual claims for goods or  
189 services furnished or for property leased, from the appropriation of the  
190 agency which received such goods or services or occupied such  
191 property.

192 (e) Whenever the Claims Commissioner deems it just and equitable,  
193 the Claims Commissioner may, at any time prior to the submission of a  
194 claim to the General Assembly pursuant to subsection (a) of section 4-  
195 159, as amended by this act, vacate the decision made pursuant to  
196 subsection (a) of this section and undertake such further proceedings  
197 in accordance with this chapter as the Claims Commissioner may, in  
198 his or her discretion, deem appropriate.

199 (f) Not later than five days after the convening of each regular  
200 session, the Claims Commissioner shall report to the General  
201 Assembly on all claims decided pursuant to this section.

202 Sec. 7. Section 4-159 of the general statutes is repealed and the  
203 following is substituted in lieu thereof (*Effective July 1, 2013*):

204 (a) Not later than five days after the convening of each regular  
205 session and at such other times as the speaker of the House of  
206 Representatives and president pro tempore of the Senate may desire,  
207 the Claims Commissioner shall submit to the General Assembly (1) all  
208 claims for which the Claims Commissioner recommended payment of  
209 a just claim in an amount exceeding [seven thousand five hundred]  
210 twenty thousand dollars pursuant to subdivision (3) of subsection (a)  
211 of section 4-158, as amended by this act, and (2) all claims for which a  
212 request for review has been filed pursuant to subsection (b) of section  
213 4-158, as amended by this act, together with a copy of the Claims  
214 Commissioner's findings and the hearing record of each claim so  
215 reported.

216 (b) The General Assembly shall:

217 (1) With respect to a decision of the Claims Commissioner ordering  
218 the denial or dismissal of a claim pursuant to subdivision (1) of  
219 subsection (a) of section 4-158, as amended by this act:

220 (A) Confirm the decision; or

221 (B) Vacate the decision and, in lieu thereof, (i) order the payment of  
222 the claim in a specified amount, or (ii) authorize the claimant to sue the  
223 state;

224 (2) With respect to a decision of the Claims Commissioner ordering  
225 the immediate payment of a just claim in an amount not exceeding  
226 [seven thousand five hundred] twenty thousand dollars pursuant to  
227 subdivision (2) of subsection (a) of section 4-158, as amended by this  
228 act:

229 (A) Confirm the decision;

230 (B) Modify the decision by ordering that a different amount be paid;  
231 or



232 (C) Vacate the decision and, in lieu thereof, (i) order no payment be  
233 made, or (ii) authorize the claimant to sue the state;

234 (3) With respect to a decision of the Claims Commissioner  
235 recommending payment of a just claim in an amount exceeding [seven  
236 thousand five hundred] twenty thousand dollars pursuant to  
237 subdivision (3) of subsection (a) of section 4-158, as amended by this  
238 act:

239 (A) Accept the recommendation and order payment of the specified  
240 amount;

241 (B) Modify the recommendation by ordering that a different amount  
242 be paid; or

243 (C) Reject the recommendation and, in lieu thereof, (i) order no  
244 payment be made, or (ii) authorize the claimant to sue the state; or

245 (4) With respect to a decision of the Claims Commissioner pursuant  
246 to subdivision (1), (2) or (3) of subsection (a) of section 4-158, as  
247 amended by this act, remand the claim to the Claims Commissioner for  
248 such further proceedings as the General Assembly may direct.

249 (c) The General Assembly may grant the claimant permission to sue  
250 the state under the provisions of this section when the General  
251 Assembly deems it just and equitable and believes the claim to present  
252 an issue of law or fact under which the state, were it a private person,  
253 could be liable.

254 (d) If the General Assembly orders the payment of a claim, the  
255 Office of the Claims Commissioner shall deliver to the Comptroller a  
256 notice of the order and the Comptroller shall make payment in the  
257 manner prescribed for payment of an order of the Claims  
258 Commissioner pursuant to section 4-158, as amended by this act.

259 (e) The review by the General Assembly of claims submitted to it by  
260 the Claims Commissioner under this section shall be conducted in  
261 accordance with such procedures as the General Assembly may

262 prescribe.

263 Sec. 8. Subsection (a) of section 19a-24 of the general statutes is  
 264 repealed and the following is substituted in lieu thereof (*Effective July*  
 265 *1, 2013*):

266 (a) Any claim for damages in excess of [seven thousand five  
 267 hundred] twenty thousand dollars on account of any official act or  
 268 omission of the Commissioner of Public Health or the Commissioner  
 269 of Developmental Services or any member of their staffs, any member  
 270 of the Council on Tuberculosis Control, Hospital Care and  
 271 Rehabilitation, the Council on Developmental Services or either of the  
 272 boards of trustees of the state training schools or any member of any  
 273 regional advisory and planning council or any superintendent,  
 274 director, employee or staff member of any chronic disease hospital or  
 275 state training school or state developmental services region shall be  
 276 brought as a civil action against the commissioners in their official  
 277 capacities and said commissioners shall be represented therein by the  
 278 Attorney General in the manner provided in chapter 35. Damages  
 279 recovered in such action shall be a proper charge against the General  
 280 Fund of the state and shall be paid in the manner provided in section  
 281 3-117. Any such claim for damages not in excess of [seven thousand  
 282 five hundred] twenty thousand dollars shall be presented to the  
 283 Claims Commissioner in accordance with chapter 53 if such claim is  
 284 otherwise cognizable by the Claims Commissioner.

285 Sec. 9. Sections 4-61t and 4a-55 of the general statutes are repealed.  
 286 (*Effective July 1, 2013*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	4-60u
Sec. 2	<i>July 1, 2013</i>	4a-59a
Sec. 3	<i>July 1, 2013</i>	4-61u
Sec. 4	<i>July 1, 2013</i>	4-61w
Sec. 5	<i>July 1, 2013</i>	4-61aa
Sec. 6	<i>July 1, 2013</i>	4-158

Sec. 7	<i>July 1, 2013</i>	4-159
Sec. 8	<i>July 1, 2013</i>	19a-24(a)
Sec. 9	<i>July 1, 2013</i>	Repealer section

**GAE**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

## **OFA Fiscal Note**

### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 14 \$</b>	<b>FY 15 \$</b>
Admin. Serv., Dept.; Comptroller - Adjudicated Claims Account; Judicial Dept.	GF - See Below	See Below	See Below

### **Municipal Impact:** None

### **Explanation**

Section 1 eliminates a requirement that the administrative fee associated with e-government services be deposited into the General Fund. This provision has no fiscal impact as the state has not yet entered into any e-government services contracts, so no administrative fee has been collected.

Section 2 allows the Commissioner of the Department of Administrative Services (DAS) to extend certain goods and services contracts without competitive bids or quotations. This provision may result in potential costs to the state to the extent to which competitive bidding or quotations may come in lower than the current contract.

Sections 3 – 5 make various changes to the State Americans with Disabilities Act (ADA). The bill eliminates certain requirements of the ADA and expands the size of the ADA committee by including representatives from the Department of Construction Services and Commission on Human Rights and Opportunities. These provisions have no fiscal impact.

Sections 6 – 8 increase the threshold for the Claims Commissioner to award judgments from \$7,500 to \$20,000. Currently, the Claims

Commissioner must recommend to the General Assembly any payment of a just claim exceeding the \$7,500 limit or give the claimant ability to sue the state. Increasing the threshold to \$20,000 will alleviate judicial dockets by giving the Claims Commissioner authorization to settle more cases rather than transfer them to the Judicial Branch. This is not expected to result in additional claims or judgment awards. Therefore, it is anticipated to have no fiscal impact.

Section 9 repeals obsolete statutes which have no fiscal impact.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 434*****AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES AND E-GOVERNMENT, EXTENSIONS OF EXISTING CONTRACTS, A STATE AMERICANS WITH DISABILITIES ACT COORDINATOR ADVISORY COMMITTEE AND SETTLEMENTS BY THE CLAIMS COMMISSIONER.*****SUMMARY:**

This bill makes several unrelated changes concerning government administration. It:

1. eliminates a requirement that the administrative fee associated with e-government services be deposited in the General Fund;
2. allows the Department of Administrative Services (DAS) commissioner to extend certain goods and services contracts without competitive bidding or quotations;
3. revises the charge and increases the size of the committee established to encourage employment by the state of people with disabilities; and
4. increases, from \$7,500 to \$20,000, the threshold under which the claims commissioner can administratively settle claims against the state.

Additionally, the bill eliminates the Committee on Career Entry and Mobility and repeals a statute that authorizes state agencies to enter into a hospital laundry services co-operative (§§ 3, 4, 9). Both of these are obsolete.

**EFFECTIVE DATE:** July 1, 2013, except that the provision concerning the administrative fee is effective upon passage

**§ 1 — E-GOVERNMENT ADMINISTRATIVE FEE**

The law allows the Office of Policy and Management secretary, regardless of other state laws, to authorize state agencies to contract with private and nonprofit entities to facilitate the public's electronic utilization of government programs and services. The entities are permitted to charge an administrative fee, as approved by the Finance Advisory Committee. The bill eliminates a requirement that this fee be deposited in the General Fund, thus allowing the entities to keep the fee.

**§ 2 — GOODS AND SERVICES CONTRACT EXTENSIONS**

With certain exceptions, the law prohibits state agencies from extending contracts (1) for supplies, materials, equipment, or contractual services and (2) subject to competitive bidding requirements, without complying with those requirements. It requires agencies not using competitive bidding to solicit at least three competitive quotations in addition to the contractor's quotation. The bill specifies that this requirement does not apply to situations where the contractor is a sole source provider.

Additionally, the bill allows the DAS commissioner to extend, for up to one year and without competitive bids or quotations, a contract for supplies, materials, equipment, or contractual services if he certifies in writing that failing to extend the contract would compromise an agency's systems or operations continuity.

**§ 5 — COMMITTEE TO ADVISE AMERICANS WITH DISABILITIES ACT (ADA) STATE COORDINATOR**

Current law establishes an eight-member committee to encourage employment by the state of people with disabilities. The committee must advise state agencies regarding adaptation of employment examinations and alternative hiring processes for, and reasonable accommodation of, such individuals. It must also review state agencies' (1) career mobility programs, (2) programs of accommodation and entry level training of people with disabilities, and (3) employment practices with respect to such individuals.

The bill eliminates the above requirements and instead requires that the committee, upon the state ADA coordinator's request, advise him regarding (1) employment by the state of people with disabilities and (2) how the state can fulfill its other ADA obligations, including its obligations as a provider of public services and a place of accommodation.

Additionally, the bill (1) increases the committee's size by adding representatives from the Department of Construction Services and the Commission of Human Rights and Opportunities and (2) potentially further increases its size by allowing each represented entity to have more than one representative. The bill also requires that the ADA coordinator, rather than the DAS commissioner, (1) appoint committee members and (2) chair the committee (or appoint a designee to do so). The DAS commissioner currently serves as the state's ADA coordinator.

#### **§§ 6-8 — CLAIMS AGAINST THE STATE**

By law, claims against the state must be filed with the claims commissioner. Under current law, the commissioner must either (1) deny or dismiss the claim, (2) order a payment of up to \$7,500, (3) recommend to the legislature a payment that exceeds \$7,500, or (4) authorize the claimant to sue the state. A person filing a claim exceeding \$7,500 can request legislative review if the claims commissioner dismisses the claim or orders a payment of \$7,500 or less.

The bill increases each of these thresholds from \$7,500 to \$20,000. It thus (1) allows the commissioner to order a payment of up to \$20,000, (2) requires him to forward a recommended payment to the legislature for approval only if it exceeds \$20,000, and (3) prohibits claimants from requesting legislative review unless (a) the claim exceeds \$20,000 and (b) the commissioner dismisses it or orders a payment of \$20,000 or less.

Additionally, the bill makes a similar change regarding claims for



damages because of any official act or omission by the public health or developmental services commissioners, their staffs, or certain other officials. Under current law, such claims can be brought as civil actions against the commissioners in their official capacities if the damages exceed \$7,500. Claims of \$7,500 or less must be presented to the claims commissioner. The bill increases both thresholds to \$20,000, thus requiring that damages exceed \$20,000 in order to be brought as a civil action.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea    13        Nay    0        (03/04/2013)